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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/004,296-Conf. #8164	
	Filing Date	October 31, 2001	
	First Named Inventor	Thomas D. Benson	
	Art Unit	3627	
	Examiner Name	J. A. Fischetti	
Total Number of Pages in This Submission	4	Attorney Docket Number	10004991-1

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Receipt Postcard
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Firm Name	FULBRIGHT & JAWORSKI L.L.P.		
Signature			
Printed name	Michael A. Papalas		
Date	July 28, 2006	Reg. No.	40,381

Transmittal

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV568241238US, on the date shown below in an envelope addressed to:
MS Appeal Brief - Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: July 28, 2006

Signature: (Lorraine Davidoff)



HEWLETT-PACKARD COMPANY
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Docket No.: 10004991-1
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Thomas D. Benson

Application No.: 10/004,296

Confirmation No.: 8164

Filed: October 31, 2001

Art Unit: 3627

For: AUTOMATED SYSTEM FOR AND METHOD
OF INVENTORY MANAGEMENT CONTROL

Examiner: J. A. Fischetti

**RESPONSE TO NOTIFICATION OF
NON-COMPLIANT APPEAL BRIEF (M.P.E.P. 1205.03)**

MS Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

As required, this Response is filed not more than one month after the Notification mailed on July 6, 2006 (Part of Paper No. 20060627), and is in furtherance of the Notice of Appeal.

Amendments to the Appeal Brief begin on page 2 of this paper.

Amendments to the Appeal Brief

Please delete section V. SUMMARY OF CLAIMED SUBJECT MATTER in its entirety, and replace it with the following new section:

V. SUMMARY OF CLAIMED SUBJECT MATTER

According to claim 21, the inventory control system comprises: a processor operable to determine a required quantity of material (pg. 6, 2nd paragraph; Fig. 2, 201; Fig. 1, 104); a means for communicating with at least one supplier of said material, wherein said communication includes conveying to said at least one supplier said quantity and a time frame and receiving from said at least one supplier a confirmation (pg. 6, 3rd paragraph; Fig. 2, 211; Fig. 1, 106); and a computer readable code processed by said processor, wherein said code is operable to re-determine said required quantity using feedback relating to a performance of at least one supply chain participant (pg. 6, 1st paragraph; Fig. 1, 111).

According to claim 22, the system of claim 21 wherein said feedback includes results of a comparison between an actual run rate and a corresponding anticipated run rate (pg. 5, 3rd paragraph; Fig. 1, 104, 110).

According to claim 23, the system of claim 21 wherein said feedback includes results of a comparison between an actual production yield and a corresponding anticipated production yield (pg. 5, 3rd paragraph; Fig. 1, 104, 110).

According to claim 24, the system of claim 21 further comprising: a computer readable code processed by said processor and operable to determine said quantity using one or more of a product forecast, a bill of materials, a material lead time, and a desired inventory level (pg. 6, 1st paragraph; pg. 5, Fig. 1, 104, 111).

Summary

In view of the above amendment to the Appeal Brief, Appellant believes the pending application is in condition for allowance and respectfully requests the rejections of record be withdrawn.

Appellant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 08-2025, under Order No. 10004991-1 from which the undersigned is authorized to draw.

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Date of Deposit: July 28, 2006

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Respectfully submitted,

By 

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